

REMARKS

Claims 1-9, 11-12, and 14-16 remain in this application. Claim 1 is being amended to more particularly define the invention and clarify the scope of the claims. This amendment is believed to overcome the Examiner's objection to the claims and therefore to place the application in consideration for allowance. Accordingly reconsideration of this application in view of the amendments and the following remarks is respectfully requested.

Claims 1-5, 7, 11-12 and 14-16 of the application were rejected under 35 U.S.C. §103 as unpatentable over published European application EP 736,503 (Kondo) in view of U.S. Patent No. 4,857,089 (Kitigawa). It was the Examiner's position that the claims remained open to a construction which permitted an inlet side membrane as taught by Kondo, and therefore encompassed obvious subject matter.

The Applicants do not agree with this reading of the claims in view of their use of "gas outlet side only" language in claim 1 as earlier presented. Nevertheless, to further clarify the fact that the Applicants do not deem filters comprising inlet side membranes to be within the scope of the invention, claim 1 is being further amended in scope to expressly limit the elements that may be present in the claimed filters, and to bar any claim construction permitting the presence of an inlet side membrane.

With this amendment, the claims have been closed to the inclusion of any additional or alternative claim elements that would impact the novel and fundamental character of the invention. Clearly, then, the possibility of including an inlet side membrane has been eliminated. Any such inlet side membrane, if present, would render the invention inoperative because the catalyst for the oxidation of soot disposed within the walls of the structure would no longer be functional.

The Examiner further suggested that it would have been obvious to eliminate the inlet side membrane of Kondo if intending to forego the benefits thereof. The Applicants' avoidance of such a membrane is not to forego benefits, but to add new benefits not taught or suggested by Kondo. Thus, what is not obvious from Kondo is the unexpected advantage attending the elimination of inlet side membranes but with the retention of only outlet side membranes. This arrangement promotes the entry into and trapping within the filter of soot, which soot may then be more effectively oxidized by the catalytically active material disposed within the voids of the filter body.

In conclusion, the claims have now been clarified to eliminate the possibility of an open construction as proposed by the Examiner. Further, as modified to exclude the inlet side membrane

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while retaining the outlet side membranes and catalysts, the claims are clearly unobvious from Kondo taken with Kitigawa. Accordingly, the Applicants respectfully submit that this application is now in condition for allowance, and such action is courteously solicited.

Applicants believe that only a one-month extension of time pursuant to 37 C.F.R. § 1.136(a) is necessary to make this Reply timely, and the Office is hereby authorized to charge the necessary extension fee or surcharge for that extension to the deposit account of Corning Incorporated, Deposit Account 03-3325. If in fact any further time extension is necessary, the Applicants contingently request that the Office grant such further time extension, and in that event only, authorize the Office to charge any further extension fee or surcharge to the above-referenced deposit account.

Respectfully submitted,



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